

May 2, 2007 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

07AN0290

Daniel W. Gibbons

Matoaca Magisterial District
14700 Clover Ridge Lane

REQUEST: A two (2) foot Variance to the four (4) foot fence height limitation in the corner side yard in a Residential (R-12) District.

RECOMMENDATION

Recommend denial of this request for the following reasons:

- A. As required by the Zoning Ordinance, there are no conditions upon which the request is based that are unique to the property and are not applicable generally to other properties in the area.
- B. The applicant has provided no information that there are such unusual circumstances about this property that adherence to the required fence height limitation would cause undue hardship.
- C. Alternatives exist that would eliminate the need for this Variance to the fence height limitation in the corner side yard.

GENERAL INFORMATION

Location:

Property is known as 14700 Clover Ridge Lane. Tax ID 721-669-3725 (Sheet 15).

Existing Zoning:

R-12

Size:

0.5 acre

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - R-12; Residential
South - R-12; Residential
East - R-12; Residential
West - R-12; Residential

Utilities:

Public water and sewer

General Plan:

(Upper Swift Creek Plan)

Residential
(2.0 units per acre or less)

DISCUSSION

The applicant has indicated there is a six (6) foot tall fence in the corner side yard. The Zoning Ordinance limits fence heights to four (4) feet in the corner side yard of a lot located in a Residential (R-12) District. Therefore, the applicant requests a two (2) foot Variance.

The applicant provides the following justification in support of this request:

The fence was erected to enhance our property and provide a safe exercise and play environment for our Hungarian Vizsla dog. The six (6) foot height is needed so our dog cannot jump it and get loose in our neighborhood, since Vizsla dogs are known for their athleticism and agility. Our dog is a very high jumper. Additionally, we obtained written approval from our Homeowners' Association to build the fence before doing so. Our lot is in the back of our neighborhood at the mouth of a cul-de-sac which has very minimal traffic use. The fence does not impede or obstruct anyone's view of possible traffic.

The Planning Department compliance staff visited the site in response to a complaint. Staff's inspection revealed that the applicant was in violation of the Zoning Ordinance by erecting and maintaining a fence six (6) feet in height in the corner side yard. This request is in response to staff's investigation.

Staff visited the property and observed a six (6) foot wooden privacy fence in the corner side yard at 14700 Clover Ridge Lane in Cloverhill Estates Subdivision. The subject property consists of 0.5 acre and is zoned Residential (R-12).

This six (6) foot wooden privacy fence within six (6) feet of the property line along Clover Ridge Place restricts the free flow of light and air to adjacent properties. There is a closed-in appearance to the immediate area. Appropriate subdivision design dictates open flow along the roads. A two (2) foot reduction in the fence height would accomplish that free flow and open up the road corridor.

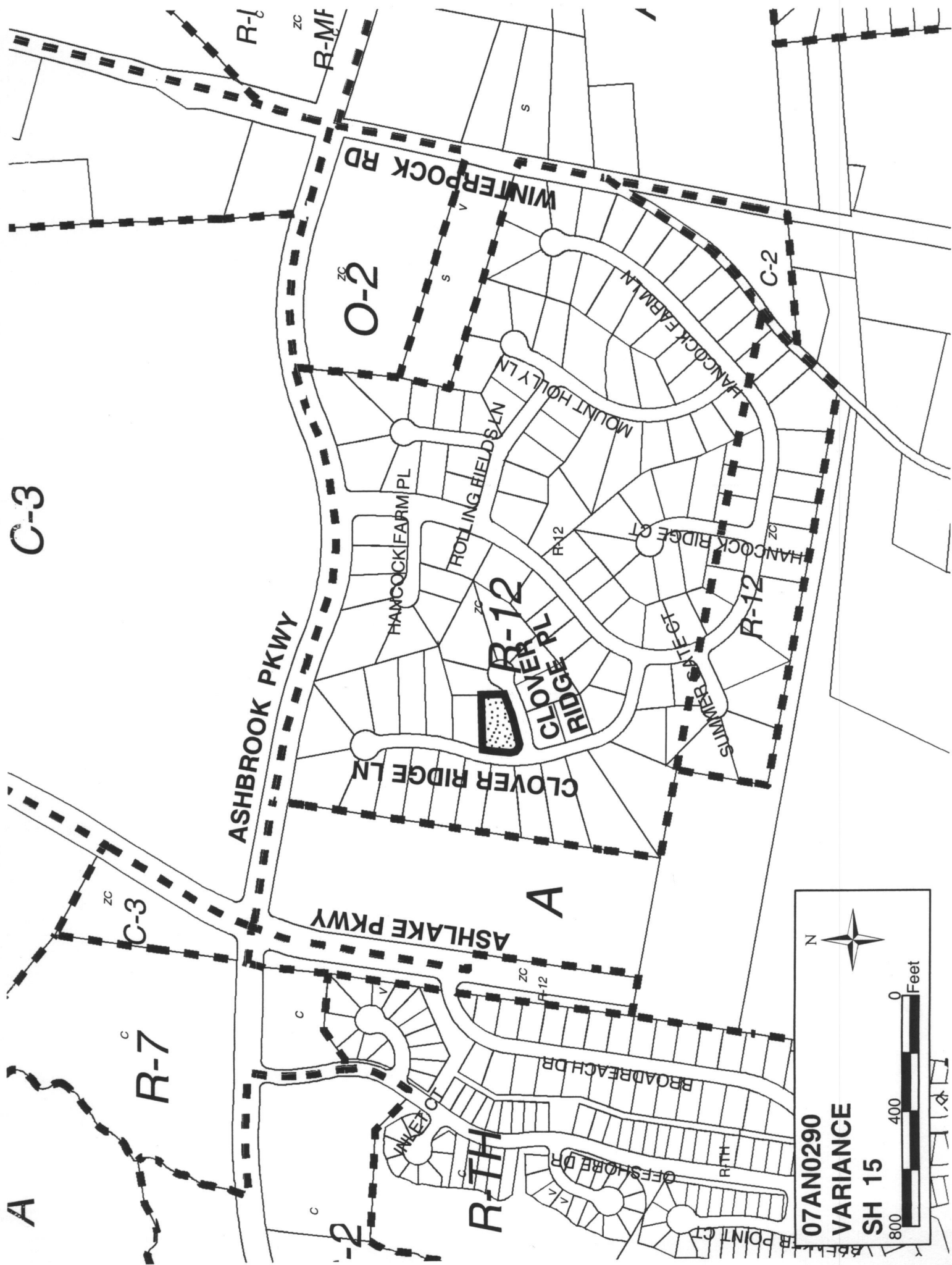
The applicant has not provided any information, as required by the Zoning Ordinance, which would serve as a basis for the granting of this Variance. Staff believes that this request does not meet the test for Variances as specified in Section 19-21 (b) of the Chesterfield County Zoning Ordinance.

Also, staff finds that there are no conditions about this request which are unique to the subject property and do not apply generally to other properties in the immediate area.

Further, staff believes that there are several alternatives available that would eliminate the need for this Variance. If the height of the fence were reduced to four (4) feet, it would comply with the Zoning Ordinance. Also, the six (6) foot fence could be located totally in the rear yard. In order to accomplish this, the fence could be moved to the right rear corner of the dwelling and extend on a direct perpendicular line to the rear property line.

Because there are no conditions upon which the Variance request is based that are unique to the subject property, there is no information or reasons that are unusual circumstances about this property that adherence to required fence height limitation would cause an undue hardship and alternatives exist that would eliminate the need for the Variance, staff does not support this Variance request.

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VARIANCE

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